

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION

01 JUL 31 AM 8:01

U.S. DISTRICT COURT
N.D. OF ALABAMA

LLOYD BALFOUR, PAMELA)
FELDER, BRIDGET HINES,)
and RONN SUMMerville,)
Plaintiffs,)
v.)
UHC MANAGEMENT COMPANY,)
INC., and UNITED HEALTHCARE,)
Defendants.)

ENTERED *mg*
JUL 31 2001

NO. CV 00-JEO-1233-NE

MEMORANDUM OPINION

This matter is before the court on the defendants' motion to stay further proceedings in this matter pending arbitration. (Doc. 4). On June 27, 2001, the magistrate judge assigned this matter entered a Report and Recommendation finding that the motion to stay should be granted and that the defendants should be afforded 120 days to initiate the arbitration process. (Doc. 12, p. 17). The plaintiffs have not filed any objections to the Report and Recommendation. The only objection from the defendants requests that the recommendation be modified only to the extent that it states that the defendants should be required to initiate the arbitration process. (Doc. 13).

The court has considered the entire file in this action together with the Report and Recommendation and has reached an independent conclusion that the Report and Recommendation is due to be adopted and approved with one modification, that is, that the plaintiffs be required to initiate the arbitration process pursuant to UHC's Employment Arbitration Policy.

The defendants correctly point out that UHC's Employment Arbitration Policy specifically provides that the plaintiffs can initiate the arbitration process by taking the following steps:

.... An employee may initiate arbitration by submitting a written demand for arbitration to the Senior Executive, Human Resources, with a check for \$25 payable to UnitedHealth Group. The demand shall set forth the dispute, including the alleged act or omission at issue, the name, address and telephone number of the employee, and the names of all persons allegedly involved in the act or omission. Within 10 business days of receiving such demand, if the demand is not denied for failing to state a legal claim, UnitedHealth Group shall file the demand with the appropriate office of the AAA, together with the applicable administrative fee as provided in the AAA's fee schedule.

(Doc. 13). The plaintiffs have not filed any response to the defendants' objection.

By modifying the recommendation of the magistrate judge, the court is affording each plaintiff the opportunity to decide whether or not to pursue his or her claims against the defendants. Because the plaintiffs initiated this action, each one should have the ability to decide whether or not to invoke the arbitration process. Accordingly, the court hereby adopts and approves the findings and recommendation of the magistrate judge as the findings and conclusions of the court with this one modification. In accord with the recommendation, the motion to stay further proceedings in this matter is due to be granted. An appropriate order will be entered.

DONE, this 30 day of July, 2001.


EDWIN L. NELSON
United States District Judge